

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.13937-M of 2007

DATE OF DECISION:15.11.2007

Raj Kumar

.....Petitioner

Versus

State of Punjab & Anr.

.....Respondents

CORAM:- HON'BLE MR. JUSTICE SURYA KANT

Present:- Mrs. B.P.K. Brar, Advocate
for the petitioner.

Shri Rajesh Bhardwaj, DAG, Punjab.

SURYA KANT, J. (ORAL)

In this petition under Section 482 Cr.P.C., the petitioner prays that the order dated 4.1.2007, whereby, parole has been denied to him on the ground that as per the verification got conducted by the authorities of the State of Rajasthan, the petitioner might indulge in the trade of contraband, be quashed and a direction to release him on parole may be issued.

Notice of motion was issued and in response thereto the respondents have filed their reply, which is taken on record. In the aforesaid reply also, it is reiterated that in view of the report of the District Magistrate, Jodhpur, wherein, it is apprehended that the petitioner may indulge in the trade of intoxicated drugs and, thus, cause breach of trust in the society, the petitioner has been denied parole.

The petitioner was arrested on 11.3.2004 in a case under Section 18 of the NDPS Act. It is the admitted case that no other case

under the NDPS Act is registered against the petitioner. It will, thus, be too harsh to presume that he is a hard core professional smuggler.

As regard to the apprehension expression by the authorities, several remedial measures can be taken in order to ensure that the petitioner does not misuse the concession of parole. Apart from his own personal heavy bail bonds, the petitioner can be asked to produce at least two sureties who should be respectables of the village. He can also be asked to report to the Police Station concerned intermittently.

For the reasons afore-stated, it is apparent that the petitioner's case requires reconsideration. Consequently, the impugned order dated 4.1.2007 (Annexure P-2) is set aside and the respondents are directed to reconsider the petitioner's claim and pass an appropriate order in the light of observations made herein above within a period of one month from the date of receipt of certified copy of this order.

Disposed of.

November 15, 2007
pooja

(SURYA KANT)
JUDGE